FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 969 OF 2006
IN
SECOND APPEAL STAMP NO. 12003 OF 2006

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr. V.D. Patil for applicants.
Mr. V.S. Talkute for respondent no.1.

CORAM: B.H. MARLAPALLE,J.

24/04/2007.

P.C.:

. This application arises from the decree passed by the Lower Appellate Court in Regular Civil Appeal No.51 of 1990. The applicants have filed Second Appeal under Stamp No. 12003 of 2006. However, their predecessor Gajanan was impleaded as respondent no.2 in the said appeal and on his demise on 10/10/96 his LRs were not brought on record. Consequently, the applicants could not be brought on record

as the successors of respondent no.2. Hence, this application for leave to appeal.

. As per the office note, this application is beyond time by 10 years. Mr.Talkute submitted that the respondent no.2 was represented in the Lower Appellate Court and, therefore, it was necessary for the applicants to apply for being impleaded as the LRs of the said respondent. They did not do so till the appeal was decided on 7/7/1999.

. Be that as it may, the applicants will have to be granted leave to appeal, more so when the second appeal is registered after condonation of the delay. This application is also beyond time. However, to do complete justice between the parties, it is desirable that this

application is allowed and the applicants are brought on record as the original appellants.

. The application is allowed in terms of prayer clause (a). Appeal memo be amended accordingly within one week.

. List the appeal for admission on 30/4/2007.

(B.H. Marlapalle,J.)